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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
The Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

EQUITY TRADING PORTFOLIO LIMITED,

Defendant.

Adv. Pro. No. 10-04457 (CGM)

**DECLARATION OF MARCO MOLINA IN SUPPORT OF THE TRUSTEE'S
OPPOSITION TO DECHERT LLP'S MOTION FOR LEAVE TO WITHDRAW
AS COUNSEL TO DEFENDANT EQUITY TRADING PORTFOLIO LIMITED**

MARCO MOLINA hereby declares as follows:

1. I am a member of the New York Bar and California Bar and am a Partner at Baker & Hostetler LLP, which is counsel for Irving H. Picard, the trustee (“**Trustee**”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and substantively consolidated chapter 7 estate of Bernard L. Madoff individually, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III.

2. As an attorney of record in these proceedings, I am familiar with this case. I make this declaration, among other things, in order to transmit to this Court true and correct copies of documents relevant to the Trustee’s opposition to the motion of Dechert LLP (“**Dechert**”) seeking leave to withdraw as counsel of record for Defendant Equity Trading Portfolio Limited (“**Equity Trading**”).

3. On May 19, 2023, the Trustee provided Equity Trading with his initial disclosures pursuant to Federal Rules of Civil Procedure 26(a), a true and correct copy of which is attached hereto as **Exhibit A**.

4. On June 6, 2023, Equity Trading requested extensions to make its initial disclosures to the Trustee. A true and correct copy of this email exchange with Dechert is attached hereto as **Exhibit B**.

5. On June 19, 2023, Equity Trading submitted to the Trustee what it called its “initial disclosures,” a true and correct copy of which is attached hereto as **Exhibit C**.

6. On June 27, 2023, upon requests by the Trustee to have Equity Trading supplement its “disclosures,” Dechert, on its client’s behalf, indicated that: (i) “there simply isn’t anything

more for us to disclose”; and (ii) Equity Trading does not know any individuals who have personal knowledge of this matter, nor does it have custody, possession, or control of any documents that may support its defenses other than documents that the Trustee already has in his possession. A true and correct copy of this email exchange with Dechert is attached hereto as **Exhibit D**.

7. On July 5, 2023, my team conferred with Dechert about the discrepancies found in Equity Trading’s initial disclosures. A true and correct copy of a correspondence summarizing this conference with Dechert is attached hereto as **Exhibit E**.

8. On July 10, 2023, the Trustee served Equity Trading with a Set of Interrogatories and a Request for Production of Documents. True and correct copies of the Trustee’s First Set of Interrogatories and the First Set of Requests for Production of Documents are attached hereto as **Exhibit F** and **Exhibit G**, respectively.

9. On August 21, 2023, the Trustee served Equity Trading with a deposition notice pursuant to Federal Rule of Civil Procedure 30(b)(6), a true and correct copy of which is attached hereto as **Exhibit H**.

10. In September 2023 Dechert stopped responding to the Trustee’s discovery inquiries because it planned to withdraw as Equity Trading’s counsel from this case. A true and correct copy of this email exchange with Dechert is attached hereto as **Exhibit I**.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Dated: New York, New York
December 15, 2023

/s/ Marco Molina
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